



AGENDA ITEM

Public Utilities Commission

City and County of San Francisco



DEPARTMENT Water Enterprise

AGENDA NO. _____

MEETING DATE July 28, 2009

Construction Award: Consent Calendar
Project Manager: Kirit Bavishi

Contract No: WD-2603R, Award, Baylands Recovery Project Final Phase 1B Remedial Action Firing Range East Cap

Summary of Proposed Action:	<p>Approve the plans and specifications and award the Water Enterprise Revenue Program funded contract No. WD-2603R Baylands Recovery Project Final Phase 1B Remedial Action Firing Range East Cap for the construction of a clay soil cap at the Baylands East Firing Range in the amount of \$1,361,780 to the lowest qualified, responsible and responsive bidder NTK Construction, Inc.</p>
Background:	<p>From 1939-1994, SFPUC leased property located in San Mateo County to the Peninsula Sportsman’s Club (PSC) who used a portion of the site for a trap and skeet shooting facility. These activities resulted in lead shot, clay pigeon debris and shotgun casings being deposited on the site. In 1994 the San Francisco Bay Regional Water Quality Control Board (SFRWQCB) issued Site Cleanup Requirements Order Number 94-031 to PSC. However, PSC declared bankruptcy and abandoned the site, leaving the SFPUC, as the property owner, responsible for the contamination. In 1999, SFPUC began site investigations and in 2001 began removing clay pigeon debris. SFRWQCB issued a revised Site Cleanup and Requirements Order Number 01-095, rescinding the former order and set new milestones for site cleanup. In April 2008, SFPUC re-negotiated with SFRWQCB to construct a soil cap over the Firing Range East, encapsulating the lead shot in place. This was formalized by the RWQCB Conditional Approval of Proposed Soil Cap as a Remedial Action for the East Firing Range letter, dated October 10, 2008.</p> <p>This contract concludes the hazardous materials cleanup under the SFRWQCB Order. Following this construction contract, a re-vegetation plan will be implemented.</p>

APPROVAL:

DEPARTMENT /
BUREAU

FINANCE

Todd L. Rydstrom

COMMISSION
SECRETARY

Mike Housh

GENERAL
MANAGER

Ed Harrington

Budget:	Engineer's Estimate: \$1,282,700 Award: \$1,361,780 Funding: Project No. CUW912, Peninsula Sportsman's Club Cleanup

Schedule:	NTP: August 6, 2009 End: October 21, 2009 Duration: Seventy five (75) consecutive calendar days

HRC goals:	Set: 18% LBE Submitted: 18.16% LBE

Environmental Review:	The San Francisco Planning Department finalized a Mitigated Negative Declaration (MND) for Project No. CUW912, Baylands Recovery Project at the Former Peninsula Sportsmen's Club, on July 9, 2002. On October 10, 2002 the SFPUC General Manager approved the CEQA Findings, and the mitigation measures, and incorporated the measures into the project. A copy of the MND was provided to the Commission, and staff recommends that the Commission review and consider the MND, affirm the CEQA Findings, and approve the mitigation measures as part of this phase of project implementation.

Bid History:	<p>Advertised: March 25, 2009 Bids Received: April 16, 2009 Bids Rescinded: June 9, 2009 Reasons for reject all bids: Discrepancy in the bid documents Re-advertised: June 26, 2009 Bids Received: Sealed bids were received from four (4) firms on July 09, 2009, as follows:</p> <table border="1" data-bbox="500 1285 1528 1745"> <thead> <tr> <th>Bid Rank</th> <th>Bid Amount</th> <th>Bid Preference</th> <th>Adjusted Bid</th> <th>Adjusted Rank</th> </tr> </thead> <tbody> <tr> <td>1. Interstate Grading and Paving</td> <td>\$1,233,375</td> <td>N/A</td> <td>\$1,233,375</td> <td>2</td> </tr> <tr> <td>2. Evans Brothers, Inc.</td> <td>\$1,315,284</td> <td>N/A</td> <td>\$1,315,284</td> <td>3</td> </tr> <tr> <td>3. NTK Construction, Inc.</td> <td>\$1,361,780</td> <td>10%</td> <td>\$1,225,302</td> <td>1</td> </tr> <tr> <td>4. Granite Construction</td> <td>\$1,628,820</td> <td>N/A</td> <td>\$1,628,820</td> <td>4</td> </tr> </tbody> </table> <p>Application of bid preferences in accordance with Chapter 12D of the San Francisco Administrative Code changed the final ranking of the low bidder. NTK Construction, Inc. became the low bid, and Interstate Grading and Paving moved to 2nd low bid, Evans Brothers, Inc. became the 3rd low bid, and Granite Construction became 4th low bid.</p>	Bid Rank	Bid Amount	Bid Preference	Adjusted Bid	Adjusted Rank	1. Interstate Grading and Paving	\$1,233,375	N/A	\$1,233,375	2	2. Evans Brothers, Inc.	\$1,315,284	N/A	\$1,315,284	3	3. NTK Construction, Inc.	\$1,361,780	10%	\$1,225,302	1	4. Granite Construction	\$1,628,820	N/A	\$1,628,820	4
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Description:	The contract work is located in San Mateo County. The contract work consists of furnishing soil materials, construct a two-foot thick cap over a lead contaminated firing range, and install drainage and irrigation systems.
Recommendation:	SFPUC staff recommends that the Commission adopt the attached resolution. Approval allows SFPUC to be in compliance with the San Francisco Regional Water Quality Control Board's Site Cleanup Requirements Order No 01-095 and not be subject to any penalties.
Attachments:	<ol style="list-style-type: none">1. SFPUC Resolution2. HRC Memo3. Exhibit A - CEQA Findings and MMRP

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 09-0123

WHEREAS, Contract No. WD-2603, Baylands Recovery Project Final Phase 1B Remedial Action Firing Range East Cap was rescinded on June 9, 2009; and

WHEREAS, Contract No. WD-2603R, Baylands Recovery Project Final Phase 1B Remedial Action Firing Range East Cap was re-advertised on June 26, 2009; and

WHEREAS, the Engineer's Estimate is \$1,282,700 for this construction contract work to furnish and place a soil cap with a drainage system and an irrigation system; and

WHEREAS, the contract duration is 75 consecutive calendar days; and

WHEREAS, Four (4) bids were received and opened publicly on July 09, 2009; and

WHEREAS, on July 9, 2002, the San Francisco Planning Department adopted and issued a mitigated negative declaration (MND) for the Baylands Recovery Project (Project) at the former Peninsula Sportsmen's Club site (City Planning Project No. 2000.622E), and found that the contents of said report and the procedures through which the MND was prepared, publicized and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the CEQA Guidelines) and Chapter 31 of the San Francisco Administrative Code (Chapter 31), and that the MND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department of City Planning, and adopted findings of no significant impacts associated with the Project; and

WHEREAS, The SFPUC staff prepared proposed findings, as required by CEQA (CEQA Findings), and on October 10, 2002, the SFPUC General Manager reviewed and considered the MND and the CEQA Findings, determined in the exercise of her independent judgment that the MND was adequate for the SFPUC's use as a lead agency in funding the Project, and adopted and incorporated by reference the CEQA Findings, and by Memorandum dated October 4, 2002, adopted the mitigation measures, and required that the mitigation measures be incorporated into the Project (MMRP), which material was made available to the public and the Commission for the Commission's review, consideration and action; and

WHEREAS, San Francisco Public Utilities Commission (SFPUC) staff and Human Rights Commission (HRC) review of the bids for qualifications, responsibility, responsiveness and application of bid preferences resulted in the establishment of NTK Construction, Inc. as the lowest, qualified, responsible and responsive bidder; and

WHEREAS, An HRC subcontracting goal of 18% Local Business Enterprise (LBE) participation has been established for this contract; and

WHEREAS, The firm being awarded a contract by the SFPUC must be in compliance with the Equal Benefits Provisions of Chapter 12B of the City's Administrative Code either at the time of the award, or within 5 days of the date of the Commission award; failure of the bidder to obtain compliance certification from HRC may result in award of the contract to the next lowest, responsible and responsive bidder, or re-bidding of the contract at the discretion of the City; and

WHEREAS, Failure to reach successful agreement on contract terms and conditions within 5 days of the date of the Commission award may result in award of the contract to the next lowest, responsible and responsive bidder, or re-bidding of the contract at the discretion of the City; and

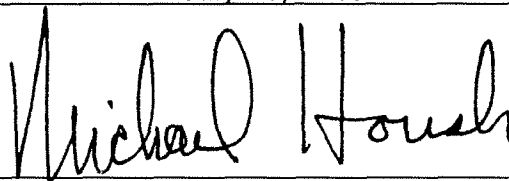
WHEREAS, Funds are available from Project No. CUW912, Peninsula Sportsman's Cleanup; now, therefore be RESOLVED, That the SFPUC has reviewed and considered the MND and the record as a whole, finds that the MND is adequate for its use as the decision-making body for the Project, that there is no substantial evidence that the Project will have a significant effect on the environment with the adoption of the mitigation measures contained in the MND to avoid potentially significant environmental effects associated with the Project, and hereby adopts the MND; and, be it

FURTHER RESOLVED, That this Commission further finds that since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND; and be it

FURTHER RESOLVED, That this Commission has reviewed and considered the MND and the record as a whole and hereby adopts the MND, the CEQA Findings and MMRP attached hereto as Exhibit A and incorporated herein by this reference; and, be it

FURTHER RESOLVED, That this Commission hereby approves the plans and specifications and awards Water Enterprise Revenue Program-funded Contract No. WD-2603R, Baylands Recovery Project Final Phase 1B Remedial Action Firing Range East Cap, in the amount of \$1,361,780, to the lowest, qualified, responsible and responsive bidder, NTK Construction, Inc.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of _____ *July 28, 2009*

A handwritten signature in black ink that reads "Michael Housh". The signature is written in a cursive style with a large, looped initial "M".

Secretary, Public Utilities Commission



Gavin Newsom
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Small and Micro Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Chris Iglesias
Executive Director

MEMORANDUM

Date: July 20, 2009

To: Kirit Bavishi, Project Manager, PUC
Pauline Lam, Contracts, PUC
Jon Winge, Contracts, PUC

From: Nichole Truax, Contract Compliance Officer, HRC

Subject: WD-2603R Baylands Recovery Project Final Phase 1B Remedial Action Firing Range East Cap

The Human Rights Commission (“HRC”) has reviewed the bids submitted for the above referenced project, applied the appropriate bid discounts, and determined responsiveness to Chapter 14B pre-award requirements. Below is a summary of HRC’s review.

LBE Bid Discount

Bidder	Base Bid	LBE Bid Discount	Adjusted Bid
NTK Construction	\$1,361,780	10% = \$136,178	\$1,225,602
Interstate Grading & Paving	\$1,233,375	N/A	\$1,233,375
Evans Brothers	\$1,292,394	N/A	\$1,292,394
Granite Construction	\$1,628,820	N/A	\$1,628,820

LBE Subcontractor Participation

The low bidder, NTK Construction (“NTK”), a SFLBE-MBE, met the 18% LBE subcontractor participation goal by listing the following LBE firms:

Subcontractor	Scope of Work Listed	Status	Listed Amount	Amount Credited	Participation (based on credited amount)
Al Curry Trucking	Trucking	SFLBE-MBE	\$115,000	\$115,000	8.44%
M. Hernandez Construction, Inc.	Traffic Control, Security, Irrigation	SFLBE-MBE	\$135,000	\$132,400	9.72%
		TOTAL	\$250,000	\$247,400	18.16%



NTK listed M. Hernandez Construction to perform Traffic Control, Security and Irrigation. M. Hernandez Construction is HRC certified under the General Engineering Contracting (A License) and Construction Traffic Control Services (C-31) categories, but not for Security Services. The bid information provided by NTK showed that the Security Services portion of work was for \$2,600. HRC reduced the listed amount by \$2,600 for M. Hernandez Construction. As such, NTK will only be credited \$132,400 for M. Hernandez Construction.

Based on the foregoing, HRC has determined that NTK has complied with pre-award HRC 14B requirements. Should you have any questions, or if I can be of further assistance, please do not hesitate to contact me at (415) 554-3104.

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SAN FRANCISCO PUBLIC UTILITIES COMMISSION
General Manager's Office
1155 Market Street, 4th Floor * San Francisco California * 94103
415. 554.3160 * Fax 415.554.3161



COPY


**BAYLANDS RECOVERY PROJECT
LETTER COMMITTING SFPUC
TO
PERFORMANCE OF MITIGATION MEASURES**

Willie L. Brown, Jr.
Mayor

Ann Moller Caen
President
E. Dennis Normandy
Vice President
Ashok K. Bhatt
Jeffrey A. Chen
Robert J. Costello

Patricia E. Martel
General Manager

MEMORANDUM

TO: Stanley De Souza:
FROM:  Patricia Martel, General Manager, SFPUC
DATE: October 4, 2002

RE: Request for Implementation of Mitigation Measures Required for Cleanup of the former Peninsula Sportsmen's Club Site (Baylands Recovery Project), DPW Contract Appointment No. 173.561 –Baylands Recovery Project – Firing Range Source Excavation.

I am responsible for the administration and management of Water Department properties under Charter sections 4.102, 4.126 and San Francisco Administrative Code section 2a.30. These properties include acreage in Menlo Park on San Francisco Bay south of the western end of the Dumbarton Bridge, formerly leased to the Peninsula Sportsmen's Club as a shooting range. This area is currently the subject of Cleanup and Abatement Order No. 01-095 issued by the San Francisco Bay Regional Water Quality Control Board (RWQCB). The SFPUC intends to comply with the terms of the RWQCB order and has developed a cleanup project using outside contractors (the "Baylands Recovery Project"). The work is to be accomplished through a work order of funds to the Department of Public Works under DPW contract appointment No. 173,561, Baylands Recovery Project – Firing Range Source Excavation.

As the General Manager of the SFPUC, I am authorized to commit the organization and its resources to conform to legal mandates required by laws such as the California Environmental Quality Act (CEQA). The purpose of this letter, written on behalf of the SFPUC, is to rely upon the final Mitigated Negative Declaration (MND) adopted by the Department of City Planning on July 9, 2002, as the CEQA basis for the actions hereby authorized, and to notify you that the mitigation measures in the MND must be incorporated into the contract documents for the Baylands Recovery Project under the provisions of San Francisco Administrative Code 31.11(h).

I am attaching findings on behalf of the SFPUC that incorporate the mitigation measures set forth in the MND. I am directing my staff to ensure that these measures are adequately funded and carried out to mitigate the environmental impacts identified in the MND to a less than significant level.

Should you have any questions about the implementation of these measures, please contact Project Manager Leslie Lundgren at 554-3245. Thank you.

cc: S. Medbery
L. Lundgren
J. Milstein
R. Sandler

FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

A. On July 9, 2002, the San Francisco Planning Department adopted and issued a mitigated negative declaration (MND) for the Baylands Recovery Project (Project) at the former Peninsula Sportsmen's Club site (City Planning Project No. 2000.622E). The MND identified certain mitigation measures applicable to the Project, which involves the excavation, treatment and removal of approximately 50,000 cubic yards of soil containing lead, arsenic, antimony, and polynuclear aromatic hydrocarbons from 14.1 acres of San Francisco Public Utilities Commission (SFPUC) property and 14.6 acres of adjacent private property in the city of Menlo Park, San Mateo County, on the shore of San Francisco Bay, south of the western approach to the Dumbarton Bridge. Following removal of hazardous materials, the site will be restored using native vegetation.

B. I have reviewed the MND on behalf of the SFPUC and considered the information therein in connection with respect to implementation of the Project and the required mitigation measures. I have determined in the exercise of my independent judgment that the July 9, 2002 MND is adequate for the SFPUC's use as a lead agency in funding the Project. I hereby adopt and incorporate by reference as though fully set forth the findings of the Department of City Planning's Environmental Review Officer in the MND certified on July 9, 2002 and adopting mitigation measures, all as required by CEQA and the CEQA Guidelines.

C. I find that the mitigation measures identified in the MND are required to be incorporated as part of the Project for implementation by outside contractors supervised by staff of the SFPUC and the Department of Public Works. I further direct the staff of the SFPUC to work with the Department of Public Works and the selected contractors to ensure that the following mitigation measures are adequately staffed and funded to ensure their implementation.

D. Implementation of the following mitigation measures (numbered as set forth in the MND) would reduce potentially significant impacts identified in the MND for the Baylands Recovery Project to a less-than-significant level:

Air Quality:

1. Stockpiled soil will be covered with HDPE, and equipment enclosures and dust suppression sprayers will be used to reduce fugitive dust emissions. Dust control measures will be implemented to comply with BAAQMD requirements (1996). Dust control measures shall include the following, as applicable:
 - Water excavated areas and work areas at least twice daily to prevent visible dust emissions (except when rain or site conditions provide adequate moisture content to prevent visible dust emissions);
 - Either cover all trucks hauling soil, sand, or other loose materials or require all trucks to maintain at least two feet of freeboard:

- Pave, water three times daily, or apply appropriate soil stabilizers on all unpaved access roads, parking areas, and staging areas;
- Sweep daily any paved access roads, parking areas, or staging areas;
- Sweep daily public streets if visible material is carried from the site;
- Limit traffic speeds on unpaved roads to 15 mph;
- Enclose, cover, or water twice daily all exposed stockpiles;
- Install sandbags or other erosion control measures as necessary to prevent silt runoff from the site to public roadways;
- Hydroseed or apply soil stabilizers to previously disturbed but inactive construction areas; and
- Revegetate disturbed areas as quickly as possible at the conclusion of construction.

2. Construction equipment will be maintained and operated so as to minimize exhaust emissions of particulates and other pollutants by such means as prohibiting idle motors when equipment is not in use or when trucks are waiting in queues and by implementing specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.

Odor:

3. SFPUC will perform outreach (issue fact sheets and conduct public meetings) to the adjacent neighborhood prior to initiating phase 2 and will provide an odor complaint hotline to the community. In the event odor becomes a nuisance during project activities, mitigation will be implemented as follows:

- Adding chemical oxidants to eliminate sulfide and other odor causing compounds;
- Using plastic sheeting to cover exposed areas of pond;
- Ensuring treated and untreated waste piles are kept covered;
- Using masking deodorants; and
- Possibly scheduling work only when prevailing winds are from the northwest.

Biology:

4. In order to mitigate possible impacts on plants and wildlife, the SFPUC will implement habitat and wildlife protection measures at least as protective as the permit requirements imposed by federal or state agencies with regulatory jurisdiction over project activities. To the extent required by federal or state agencies with regulatory jurisdiction, biological surveys and further wetland investigation would be a likely first step in any mitigation scenario. Mitigation measures might include on-site restoration after soils have been excavated or purchase of off-site mitigation credits.

5. As a result of project modification, this mitigation measure is no longer necessary, since no environmental impact would result from clapper rail nesting because no work is proposed in the tidal slough area in Phase 1 of the Project.

6. Avoidance measures for the salt marsh harvest mouse, including installing protective fencing to prevent intrusion of small mammals into the remediation area, and removing salt marsh vegetation prior to excavation, would be used if necessary. Any small mammals trapped in jurisdictional wetlands within the excavation area would be relocated to adjacent undisturbed salt marsh.

Water:

7. The preferred alternative for discharge of water produced during dewatering would be discharge to the Cargill salt pond, if the water quality were within the limitations established by Cargill and the SFRWQCB. Treatment of the water could be required to meet water quality criteria. If this alternative is not acceptable then water produced during dewatering could potentially be discharged to the San Francisco Bay under waste discharge requirements. Water quality criteria for either option would be presented in the Remedial Action Plan for Phase 2, and subject to review and approval by the SFRWQCB, and would also be available for public review. Discharge criteria are determined on a project-specific basis but would be consistent with Basin Plan water quality criteria.

8. If discharge to the salt ponds or the Bay is not acceptable to the SFRWQCB, then it would be treated and disposed of at a publicly owned treatment works (POTW) or other approved facility. This would reduce impacts to a less than significant level and would require no other mitigation.

9. The project will be required to comply with the State Water Resources Control Board's national pollutant discharge elimination system general permit for stormwater discharges associated with construction activity, which requires a construction SWPPP. As part of the plan, standard stormwater BMPs, such as contouring the site or placing hay bales on the perimeter of the work area, will be identified and used to prevent runoff from entering the excavation area. Similarly, runoff from the excavation area will be controlled through BMPs, such as directing runoff into a temporary runoff holding basin, where it would infiltrate or evaporate rather than draining to the bay. As a result of implementing these mitigation measures, impacts from stormwater runoff would be less than significant.

10. After excavation, clean fill will be imported and placed on low-lying areas to reestablish the grade and to prevent additional ponding of surface water in areas of the site which are not now wetlands. After remediation, the ground surface would be hydroseeded with native upland plant species to reduce the potential for soil erosion. Vegetative cover would reduce the potential for erosion by holding the soil in place, reducing the force of raindrop impacts at the soil surface, and helping to slow runoff velocity. Hydroseeding is an efficient method of seeding large areas of land subject to erosion. Nutrients, seed, and a glue-like material are sprayed on the ground surface. The glue-like material helps to hold the soil in place while the seed germinates and the vegetative cover becomes established.

Hazards:

11. Soils exposed during excavation for site preparation and project construction activities will be kept moist throughout the time they are exposed, both during and after work hours. Where soils are stockpiled, plastic sheeting will be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather. Contaminated soils will be hauled off the project site by waste hauling trucks appropriately certified by the State of California and adequately covered to prevent the soils from dispersing during transit. The soil will be disposed of at a permitted hazardous waste disposal facility registered with the State of California.

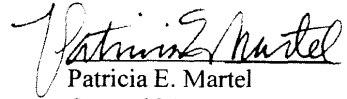
Cultural Resources:

12. If unidentified cultural resources are discovered during project implementation, work in the immediate vicinity will be halted and the Environmental Review Officer (ERO) notified. Ground-disturbing activities that might damage cultural resources will be suspended for a maximum of four weeks over the course of construction. A qualified archaeologist would then be brought to the site to assess the nature and significance of the find. The archaeologist would prepare a written report for the ERO and the project sponsor; the report would assess the potential significance of the find and would recommend measures to minimize potential effects on archaeological resources. Based on this report, the ERO would recommend specific additional mitigation measures to be implemented by the project sponsor. Mitigation measures might include a site security program, additional on-site investigations by the archaeologist, and documentation, preservation, and recovery of cultural material. Finally, the archaeologist would prepare a report documenting the cultural resources that were discovered, evaluating their significance and describing how the testing, exploration, and recovery were conducted. Copies of this report would be provided to the ERO for review and then to the California Archaeology Site Survey Northwest Information Center and the President of the Landmarks Preservation Advisory Board.

13. It is not possible to evaluate the accuracy of the report of Native American remains having been disposed of in the vicinity of the Dumbarton Bridge without further information. However, the possibility of human remains means that extra care should be taken during ground-removal activities. Because these potential remains were redeposited in the vicinity of the project area, they could be present at or near the current ground surface level. They also could be encountered virtually anywhere and at any depth on the project site. Preconstruction efforts will include developing a plan that lays out procedures to follow should remains be encountered. This plan should be developed in consultation with local Native Americans in order to minimize project delays once construction begins. In addition, project personnel will be briefed about the possibility of encountering human remains and the procedure to follow should this happen.

14. In the event that human remains are discovered during the implementation of the project, the local county coroner will be contacted immediately. Both the Native American Heritage Commission and any identified descendants should be notified and should make recommendations if the remains are determined to be of Native American origin (CEQA Guidelines, Section 15064.5, Health and Safety Code Section 7070.5, Public Resources Code Sections 5097.94 and 5097.98).

10/10/02
Dated


Patricia E. Martel
General Manager, SFPUC